

PIERCE BAINBRIDGE

July 26, 2023

VIA E-Mail

Judge Kiel, USDJ
United States District Court, NJ
Martin Luther King Building & U.S Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: *Lustig v. Daniel Markus, Inc., et al.*,
Civil Action No.:2:20-cv-00379-WJM-ESK

Dear Judge Kiel,

Please accept this letter in lieu of a more formal brief in support of my OPPOSITION to reopen the above mentioned case. I have personally reviewed every single submission filed against me by the dozen or so defendants in this case, and I want to update you regarding the facts. I have run into multiple defendants while I am out in public with my family, and have been professional and courteous to all. What is striking is that they have all stopped me and explained that they want nothing to do with this lawsuit.

I want to point out two defendants. 1 is Ali Soto (and Vickinana Colon), and 2 is Jayson Michelle. Ali Soto is a very important part of this case and the plaintiff's case. Please pay close attention to the three articles I have attached which show

the reality of how the plaintiffs acted AFTER filing this lawsuit and defrauding me personally.

Jayson Michelle is a hard working father. He was caught stealing from me and terminated. He is a good man. He works as a pizza driver in my hometown. He delivered me pizza and told me the truth. Although he has asked to be removed from this case, he has not had his lawyer listen to him and he is still listed as an Opt-In.

If Your Honor is even considering reopening this matter I would request a new letter showing exactly which Plaintiffs still remain in this case, that they are aware of the status of the case and that they are participating willingly. This is NOT a joke. There is NO communication between Brett Gallaway and his clients regarding reopening this matter and if they want to continue. Mr. Gallaway uses his personal family relationship with Bryan Lustig, and Bryan Lustig speaks for the class. David Bogomoly, my cousin and main conspirator with Ali Soto is about to be charged Federally. He works with Bryan Lustig. David was served at his place of work and so was Harris Palmer.

**DAVID BOGOMOLNY - he works at GOOD STUFF PAWN Address: 18 US-22 West, Green Brook Township, NJ 08812
Morristown, NJ 07960**

**HARRIS PALMER - he works at Premium Pawn on Route 10 in East Hanover and drives a large truck. He has brown hair and medium build.
Livingston, NJ 07039**

Please read Federal complaint number 23-cv-03429-ES-JRA and recognize that Bryan Lustig's lawsuit is a distraction tactic that blew up in the plaintiffs' faces.

There is no validity to the claim and even the bookkeeper, (Vickiana Colon) that the plaintiffs relied on, is wrapped up in a conspiracy and racketeering criminal matter. Ali Soto is a charged criminal while having a rap sheet longer than a webster's dictionary.

I will be filing for immediate motions to dismiss if this case is allowed to be refiled, but I am identifying the fact that there are criminal charges against the plaintiffs that support everything I have been saying.

There is a companion lawsuit this suit goes with since after I win this case, the damages will be multiplied since this case is a retaliatory business move and not an actual legal filing.

Not only should this case NOT be reopened it should be dismissed immediately with prejudice on the grounds that the plaintiff "opt-ins" are liars, criminals and conspirators, this case is based around payroll of a company that I did not and have never owned, and I have proven myself (and my facts) time and time again. This is a blatant attempt at retaliation against me and there is no basis of fact for Bryan Lustig's case.

/c/Daniel M. Risis

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Couple arrested, accused of running shoplifting ring in New Jersey

Thursday, January 5, 2023



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MORE VIDEOS

Ali Soto and Vickiana Colon were arrested in West Milford, New Jersey. David Novarro has details.

WEST MILFORD, New Jersey -- A couple in New Jersey is facing charges in connection to an alleged shoplifting ring.

Police received a report of theft and forgery of a retirement check on June 6.

Their investigation revealed that Soto and his girlfriend, Colon, would pay multiple people to shoplift certain items from large retail stores and then sell those stolen items through online retail outlets.

According to the prosecutor's office, there were several stores affected, but it appears that the major stores impacted were Home Depot and Lowe's.

During their arrests, authorities said they found multiple suspected stolen items in their home.



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Soto and Colon are facing a slew of charges including, leader of an organized retail theft enterprise, theft, receiving stolen property, forgery, financial

The West Milford Township Police Department asks anyone with additional information about this incident or other incidents regarding this individual to contact us on our tips line at 1-877-370-PCPO.

ALSO READ: [NYC mayor calls out de Blasio for team's criticism of administration](#)

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New York City Mayor Eric Adams is calling on his predecessor, Bill de Blasio, to stop his team from its criticism of the current administration. Darla Miles has the story.

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Thursday, jun 22

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NJ Couple Charged With Running Five-Finger Discount Ring

A Passaic County couple ran a retail theft ring that paid thieves to shoplift specific items from a list that they provided, authorities charged.



Ali Soto and Vickiana Colon Photo Credit: PASSAIC COUNTY PROSECUTOR



Jerry DeMarco 01/04/2023 5:40 p.m.

Ali Soto, 42, and Vickiana Colon, 36, both of North Haledon, were both charged with being leaders of an organized theft operation, among other offenses.

The arrests were made on Dec. 14, 2022 but weren't announced until Wednesday, Jan. 4, in a joint release issued by Passaic County Prosecutor Camelia M. Valdes, West Milford Township Police Chief James Devore and North Haledon Police Chief Todd Darby.

They didn't say why.

Wednesday's release did say that investigators from Valdes's White Collar Crimes Division and West Milford targeted Soto and Colon after township police fielded a report of the theft and subsequent forgery of a retirement check for an amount that they didn't reveal.

The couple "compensate[d] multiple individuals to commit shoplifting of certain items from large retail stores," then sold the merchandise "through online retail outlets," it says.

"During the arrest, members of law enforcement located numerous suspected stolen items in the residence," they added, without saying where that residence is.

They also didn't give any examples of the types of merchandise stolen or the dollar amounts.

Soto and Colon were brought before a Central Judicial Processing Court judge in Paterson and released pending further court action on charges that also include theft, receiving stolen property, forgery, fencing and money laundering, the release says.

Case 2:20-cv-00379-WJM-ESR Document 147 Filed 07/26/23 Page 10 of 16 PageID: 1331
“This investigation and execution of the warrants would not have been a success without the invaluable help from the US Postal Inspection Service and the Passaic County Sheriffs CSI Unit,” it notes.

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North Jersey Couple Charged In Shoplifting Resale Enterprise: Police

Two Passaic County residents were arrested last month in connection with a shoplifting and online resale enterprise, authorities said.



Nicole Rosenthal, Patch Staff

Posted Thu, Jan 5, 2023 at 3:07 am ET

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Two Passaic County residents were arrested last month in connection with a shoplifting and online resale enterprise, authorities said. (West Milford Police Department)



WEST MILFORD, NJ - Two Passaic County residents were arrested last month in connection with a shoplifting and online resale enterprise, authorities said.

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Ali Soto, 42, and his girlfriend Vickiana Colon, 36, both of North Haledon, were arrested on Dec. 14, 2022 after an investigation found the duo would pay several individuals to shoplift items from large retail stores and subsequently sell those items online, Passaic County Prosecutor Camelia M. Valdes, West Milford Township Police Chief James Devore and North Haledon Police Chief Todd Darby said in a joint statement.

During the arrest, officers located numerous suspected stolen items in the pair's home, officials said.

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Soto is charged with one count of leader of an organized retail theft enterprise, one count of theft, one count of forgery and related offenses.

Colon is charged with one count of leader of an organized retail theft enterprise, one count of theft, one count of receiving stolen property, one count of forgery, one count of financial facilitation of criminal activity and related charges.

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The charges stem from a June 6 tip to the West Milford Township Police Department of a theft and forgery of a retirement check, police said. It wasn't immediately clear which stores were targeted by the alleged scheme.

Soto and Colon appeared in Central Judicial Processing Court and were released.

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“This investigation and execution of the warrants would not have been a success without the invaluable help from the US Postal Inspection Service and the Passaic County Sheriff's CSI Unit,” Valdes, Devore and Darby said.

The West Milford Township Police Department asks anyone with additional information about this incident or other incidents regarding this individual to contact the department at 1-877-370-PCPO.

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